



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## SIDGWICK'S ELEMENTS OF POLITICS.\*

The constantly increasing attention devoted by our colleges, books and periodicals to political and social science is the subject of very general remark. The actual advance in the different cognate studies included under this general heading, viz., Politics, Political Economy, and Sociology, is, however, strikingly unequal. Politics (recently rebaptized "*Civics*" by those who would confine this venerable term to the lowest form of corrupt political activity) is, as every one knows, of great antiquity. Political Economy can hardly trace its lineage farther back than the middle of the eighteenth century; while Sociology has but just now gained distinct self-consciousness. Looked at, however, not from the standpoint of its past, but as respects recent achievement and the hope of future progress, Politics can hardly maintain its position of priority. Recent years have witnessed remarkable development in Political Economy. Theories of a progressive industrial society are taking the place of the doctrine of a hopelessly closed circle of the English classical school. Something akin to the spirit of exuberance which characterizes Condorcet's famous account of human progress pervades the writings of economists of the most opposite tendencies; for example, Mr. Wells and Professor Patten. "The field of Dynamic Economics," Professor Clark declares in a recent review, "is unlimited, and each pioneer work that occupies a part of it has the effect of making the whole field seem larger." We know not whether the expectations of the new school will be completely realized, but the wide-reaching importance of a new mode of viewing economic phenomena, both in the field of governmental policy and in respect to education, is patent.

Sociology, again, although just getting on its feet, not

\* THE ELEMENTS OF POLITICS. By HENRY SIDGWICK, author of "The Methods of Ethics," and "The Principles of Political Economy." Pp. xxxii., and 632. London: Macmillan & Co. 1891.

content with modifying our ideas of the present, may well introduce a correspondingly radical alteration in our manner of viewing the past; in particular, the long-recognized method of treating historical events.\*

Politics, on the contrary, exhibits neither the vivacious confidence of extreme youth nor the emulation of developing manhood, but rather the dull plodding indifference of decay. The conditions which would naturally be regarded as the primary incentives to active political speculation—viz., those present during a period of active constitutional reform—have undoubtedly prevailed during the past century to a much greater extent abroad than with us. Unprecedented changes have occurred during that time in the constitutions of all of the European states, and it may safely be said that our form of government antedates by fifty years that of every other civilized nation. Other reasons might doubtless be adduced to explain our extreme conservatism, but it remains an indisputable fact that little has been added to our theory of politics since it received its classical formulation in the writings of Hamilton and his associates at the end of the last century. These theories have doubtless been rendered more precise in their practical application, and one great question relating to the nature of the Federation has subsequently received an authoritative answer. But our political speculation has confined itself to a narrow field. The science of Politics has been at a practical standstill in this country for a hundred years and the Federalist still retains an undisputed place as our great work in this field. A reference to the lists of courses offered in our colleges affords a striking proof of the general indifference to Politics as a science. Aside from an occasional course in the constitutional history of the United States, or a superficial consideration of the text of our constitution, little will be found which could fall under this head. Yet Politics ought obviously to rank with Political Economy, the systematic treatment of which is coming to be so conspicuous a feature of our college curricula.

\* See, for example, Gumplowicz, *Sociologie u. Politik*: 1892.

The recent appearance of several notable works on politics would seem however to betoken the beginning of a change. Three distinguished scholars have within a year or two published extensive treatises in this department. It is but a reasonable hope that the existing indifference or, what amounts to much the same thing, the unreasoning and exaggerated faith in the perfection of existing institutions shall give way to an awakened interest and desire for advance.

In the work before us the author has not sought to propound and establish any new principles not recognized in ordinary political thought and discussion. His aim, he tells us, "is merely to render somewhat more precise the principles that I find commonly recognized, and to make their application to particular cases as clear and consistent as possible," (pp. 33, 34). This plan has been carried out in a perfectly consistent and self-abnegating manner. The reader is constantly struck with the successful reproduction of prevailing sentiment untinged by personal preference. To the future historian the work will be of inestimable value as a perfect mirror of prevailing political opinion among English speaking people during this epoch. It will not be necessary for him to gather his data and form his opinion from the passing references and hints of those holding a brief for special causes. He will find his section on the "*Political Ideas at the Close of the Nineteenth Century*," needing perhaps a little condensation but otherwise ready for the printer. No one it ought in fairness to be said is more fully aware of the relativity of what he has written than the author, as we find on taking up his chapter upon the Scope and Method of Politics, of which a word will be said later.

The proofs of the entire work were read by both Mr. James Bryce and Professor A. V. Dicey. The author cheerfully admits that, in consequence of the criticism of his friends, several chapters were subsequently added, enlarged or almost entirely re-written. Professor Sidgwick's thoughtfulness in this respect will be especially appreciated by our

countrymen. After the mistakes of Bagehot and the grotesque misconceptions of our institutions to be found in Maine's Popular Government, the revision by two such careful students of our constitution must prove at least reassuring.

The work falls into two nearly equal parts, one concerned mainly with the functions of government, which must logically be considered before taking up its structure in the second part. The functions discussed, include not only the domestic concerns but the external policy of the State as well. In the latter division the writer declares himself under especial obligation to Hall's standard treatise upon International Law. Part II. is supplemented by several chapters which relate to the important question of the control of the people over government, the place of party in the political system, etc.

Professor Sidgwick begins with a consideration of the Scope and Method of Politics, devoting an all too brief chapter to this important inquiry. While a model of concise exposition this short chapter might well have been greatly expanded. The question meets us on the very threshold, which has in the field of economics given rise to such general discussion during the past decade, degenerating in Germany even into bitter personal strife, viz., that of method. In politics are we to reach our conclusions primarily by a resort to historical study, interrogating the experience of other times and other peoples, or may we find in the habits and proclivities of the individual and the race the data upon which to base the science? In short, shall the method in politics be inductive or deductive?

Professor Sidgwick has defined his aim to be the setting forth "in a systematic manner the general notions and principles which we use in ordinary political reasoning." "Now ordinary political reasonings," he continues, "have some practical aim in view; to determine whether either the *constitution* or the *action* of government ought to be modified in a certain proposed manner. Hence the primary

aim of our study must be similarly practical. We must endeavor to determine what *ought* to be so far as it depends on the constitution and action of government, as distinct from what is or has been." Hence he denies that "any results attained by the study of the history of political societies can be directly or decisively applied to answer the questions with which we are here primarily concerned." The author, after assigning other reasons—notably the essential progress of society which renders past experience unavailable—for regarding the historical method as of distinctly secondary importance, proceeds to assert and maintain his adhesion to a "method mainly deductive." "We must assume," he holds, "certain general characteristics of man and his circumstances—characteristics belonging not to mankind universally, but to civilized man in the most advanced stage of his development; and we must consider what laws and institutions are likely to conduce most to the well-being of an aggregate of such beings living in social relations. According to this method, Politics is not based primarily upon history, but on Psychology; the fundamental assumptions in our political reasonings consist of certain propositions as to human motives and tendencies, which are derived primarily from the ordinary experience of civilized life, though they find adequate confirmation in the facts of the current and recent history of our own and other civilized countries. These propositions, it should be observed, are not put forward as *exactly* or *universally* true, even of contemporary civilized man; but only as sufficiently near the truth for practical purposes." As examples of such truths he cites the proposition: "Of two individuals with equal fortunes, he that has the most wealth has the greatest chance of happiness." And "Each person is the only safe guardian of his own rights and interests." The position here taken, although doubtless capable of much more systematic defence than the author has attempted in the few pages devoted to the subject, certainly tempts an attack on at least two sides from the historical school militant. One may deny, in the first

place, the completeness of his definition of the aim of practical politics as simply the determination of what ought to be. And, in the second place, his conception of the historical method suggests criticism.

The practical aim of ordinary political reasoning Mr. Sidgwick confines to the decision "whether either the *constitution* or the *action* of government ought to be modified in a certain proposed manner." But is this the whole problem? Is there not an initiatory step which is neglected or perhaps assumed here, namely, the very practical one of originating the modifications to be accepted or rejected? Is it not often apparent to everyone that the action of the government is defective and ought to be modified when no remedy for the obvious evil suggests itself? In short, are not a widening of the horizon, an awakening of the mind of the legislator to heretofore unthought of combinations, a certain freedom of speculation, primary desiderata in progress and reform, as much as the faculty of determining the expediency of a proposed modification in the action or constitution of government? With this enlarged conception of the scope of practical politics in mind let us turn again to the method. Is there not besides the historical and deductive methods a species of *tertium quid*—the *study*, namely, of *contemporary comparative politics*?

It is well to distinguish this last source of political enlightenment from the historical method as usually understood, although in strict logic there can of course be no satisfactory line of separation drawn. It is an aspect of the historical method which has no more in common with the hazy and practically valueless references to the organization of the Achaian League, the decay of the Roman Empire or the corporate organization of the middle ages than the numbering of the tribes of Israel has to do with modern statistics. And yet it is the supposed broad generalizations based upon the experience of centuries that too often are regarded as the very essence of the historical method. This confusion would easily serve to depreciate, if not altogether destroy,

in the eyes of many the value of the inductive method, causing its relegation to a distinctly inferior place in our reasonings. Circumstances, however, which restrict the practical value—the *suggestiveness*, of the historical method as ordinarily conceived lose much of their force in the case of existing political societies struggling with essentially the same great industrial and social problems. Radical differences of environment, of national character and traditions undoubtedly exist, nevertheless the increased clearness of insight and fertility of expedient which would result from an active interest in, and working knowledge of the progress of other contemporary nations is almost incalculable. The poor, for example, are not alone always with us, but with the English, French and Germans as well. Can we, for instance, rationally and conscientiously dismiss, with a sneering reference to “*paternalism*,” the whole great system of Workingmen’s Insurance in Germany? While the Hatch Bill occupies us on this side of the Atlantic the German periodicals are full of the *Börsenfrage*.

This is practically an unworked field. Years of devotion and study with prolonged residence abroad are required of one who would bring this knowledge to his countrymen. But could it not be safely predicted for the conclusions to be derived from such study that they would have at least the conditioned value which Mr. Sidgwick modestly claims for those reached deductively? If not to be regarded “as *exactly* or *universally* true” would they not be “sufficiently near the truth for practical purposes?” Would they not, above all, be suggestive?

The functions of government are treated by the author with perfect consistency from a utilitarian standpoint. A general, if not universal assent may be claimed, he thinks, for the principle “that the true standard and criterion by which right legislation is to be distinguished from wrong is conduciveness to the general ‘good’ or ‘welfare.’” And probably the majority of persons would agree to interpret the ‘good’ or ‘welfare’ of the community to mean, in



the last analysis, the happiness of the individual human beings who compose the community ; provided that we take into account not only the human beings who are actually living but those who are to live hereafter," (p. 34). The happiness of the governed community is thus assumed through the nine succeeding chapters as the ultimate end of legislation.

A much more vital question relating to the functions of government, and one discussed in the most admirable spirit of impartiality by the writer is that which involves the conflicting claims of individualism, paternalism and socialism. In his careful attempt to define these three much misused terms the author deserves the grateful recognition of every friend of clear thinking, and it certainly will not be out of place to reproduce briefly his formal distinction. On considering the different ways in which the happiness of individuals may be promoted by laws, two fundamental distinctions are apparent. (1) "In the first place legal control may be exercised in the interest of the person controlled, or of other persons ; the government may either aim at making each of the individuals to whom its commands are addressed promote his own happiness better than he would without interference, or they may aim at making his conduct more conducive to the happiness of others. So far as the former is the avowed aim of government, its control resembles that properly exercised by a father over his children : accordingly this kind of governmental interference is commonly spoken of as 'paternal.'" (2) When we come, however, to consider the control by the state of the individual's action in the interest of others the second distinction is clear. "The services which an individual is legally bound to render to others may be positive or negative ; they may consist in doing useful acts, or in forbearing to do mischievous acts." "The requirement that one sane adult, apart from contract or claim to reparation, shall contribute positively by money or services to the support of others" the author proposes to call "socialistic." The doctrine, on the other hand, "that government should leave the terms of positive social co-opera-

tion to be settled by private agreement among the persons co-operating—in short, that what one sane adult is legally compelled to render to others should be merely the negative service of non-interference, . . . provided that we include in the notion of non-interference the obligation of remedying or compensating for mischief intentionally or carelessly caused by his acts”—is currently known as “Individualism.” In view of the fact that “the legislation of modern civilized communities . . . is in the main framed on an individualistic basis” and recognizing the existence of an important school of political thinkers who are of opinion that the coercive interference of government should be strictly limited to the application of this principle, Professor Sidgwick proceeds in the succeeding chapters on Property, Contract, Inheritance, Remedies for Wrong, and Prevention of Mischief, to trace the chief characteristics of a system of law based upon the consistent application of this doctrine.

While accepting the individualistic policy in general the writer does not hesitate to point out inconsistencies in the theory and difficulties which forbid its strict application. His consideration of socialistic and “paternal” legislation exhibits a philosophic fairness quite refreshing in view of the heated discussions of these topics into which some of our best thinkers have allowed themselves to be drawn. In regard to paternal interference, he believes that when strong empirical grounds are brought forward for admitting a particular practical exception to the principle of individualism, it would be unreasonable to reject it merely on account of the established general presumption in favor of *laissez faire*.

Socialism is a somewhat slippery term, but may be defined as a system of legislation whose *primary* aim is not, as in the case of “paternal” regulations, the welfare of the particular individual restrained, but of the whole society of which he is a member, (p. 137). Strict individualism is based, as Professor Sidgwick points out, upon two assumptions. For even if it be granted that men “may be expected

to discover and aim at their own interests better than government will do this for them, . . . it by no means follows that an aggregate of persons, seeking each his own interest in the most intelligent and active manner possible, is therefore certain to realize the greatest attainable happiness for the aggregate." A complete argument for *laissez faire* requires that the truth of the second as well as that of the first proposition be substantiated. The author accepts, however, both these premises, and the socialistic interference which he justifies in Chapter X. is conceived, he states, "merely as a supplementary and subordinate element in a system mainly individualistic." A number of pages are devoted to "Socialism," used in the sense of a redistribution of wealth benefiting the poor at the expense of the rich, and to various methods which tend to mitigate the harsher inequalities. "So far," the author holds, "as the community, acting through its government, can equalize opportunities, without doing harm in any other way, such interference actually gives greater scope for the admitted advantages of the individualistic system to be attained."

We cannot touch on the more detailed consideration of individual cases where much of the interest of the book lies. Enough, it is hoped, has been said to give a general notion of the author's point of view and method in discussing the general principles of legislation.

In spite, however, of the general clearness and fairness which characterize this discussion of the functions of government, one leaves it with a deep sense of its incompleteness and its want of finality. Political speculation lingers behind a developing society. We thus find the causes tending towards a more complete social organization ignored. How long are we to neglect in our treatises on government the unprecedented changes of the last half century, for example, the revolution in the means of communication? Professor Sidgwick simply reports progress, or better, the absence of progress. We look in vain for any indication of the path upon which we must advance.

Somewhat more than one-fourth of the entire volume relates to the constitution of government in a simple or unitary state. This contains, besides a preliminary consideration of the doctrine of the division of powers, chapters upon the Legislature, Executive and Judiciary, with their inter-relations, as well as a separate chapter upon two chambers and their functions.

The crudeness of the prevailing conception of the separation of powers and its philosophical untenableness is not entirely overlooked by the author. His characteristic conclusion is: "It seems clear that the separation of governmental functions among the organs which we have distinguished as legislative, executive, and judicial, cannot, from the nature of the case, be complete, notwithstanding the strong general reasons that we have seen for establishing it," (p. 352). And here it may be noticed that the writer seems entirely to have neglected the abundant literature of this subject existing in French, and especially in German. In the writings of Laband, Gneist, Jellineck, Rosin, Haenel, and others, the relation of the several organs of government has received the most careful consideration. The conditions in the German Empire have precipitated this discussion, which takes its most practical form in the endeavor to establish a canon governing this relation, at once philosophically consistent, and yet politically admissible in its actual application. The existence of an elaborate system of administration and the strikingly subordinate position of the judiciary in the German system both tend to turn the discussion into very different channels from those it would naturally follow in England and the United States. Experience in France, too, especially the arguments advanced for and against the repeal, in 1870, of the law relating to the privileged position of government officials deserve attention.

The chapter on Federal and other Composite States is superficial and unsatisfactory. In it the same want of acquaintance with everything beyond England and the United States, which characterizes the whole book, is apparent. A

familiarity with the order of things in Germany would, we may venture to suggest, have produced a very different exposition of the subject. For there, a Federal system has spontaneously developed in which, it may almost be said, one and all of the cherished rules for the organization of a Federal State which English and American writers have so often laid down, are utterly ignored. No better illustration exists of the weakness of the method "*mainly deductive*" which is followed by Professor Sidgwick and which is at bottom but a system of *imperfect induction*, unconsciously pursued. The "general characteristics of man and his circumstances . . . belonging not to mankind universally, but to civilized man in the most advanced stage of his development," (p. 8) include in reality only those of the English and their political descendants.

The Federal system, for example, as it exists in the United States is no more *normal*, no more an inevitable outcome of the general characteristic of civilized man in the most advanced stage of his development than is our custom of drinking soda water with ice cream in it, or of the addiction of the Italians to *polenta*. The work before us might therefore be more correctly entitled "The Elements of English and American Politics."

The criticism here made applies unfortunately to all or very nearly all of our literature in this field. It can only be corrected by a much more thorough and intimate knowledge of other and different systems than our own. No simple perusal of the text of a foreign constitution will suffice. We must read the debates in the Constitutional Conventions, as well as the domestic treatises upon existing institutions. The newspapers ought not to escape us. Lastly we must actively sympathize with the other branches of the human race in their struggle towards a higher plane and a more perfect political organization.

JAMES HARVEY ROBINSON.

*University of Pennsylvania.*